

REMARKS

In the June 12, 2006 Office Action, claims 1-16 were rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

Applicants have amended claims 1, 5, 7, 8, 9, 15 and 16 as indicated above. Thus, claims 1-16 are pending, with claims 1 and 9 being the only independent claims.

Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Rejections - 35 U.S.C. § 102

Claims 1, 9 and 11 stand rejected under 35 U.S.C. §102(e) as being anticipated under 35 USC 102(e) by U.S. Patent No. 6,904,737 to Engesser (hereinafter the "Engesser patent"). In addition, claims 1, 9 and 11 stand rejected as being anticipated under 35 USC 102(b) by U.S. Patent No. 4,769,974 to Davis (hereinafter the "Davis patent"). Furthermore, claims 1, 3, 5, 9, 11 and 13 stand rejected as being anticipated under 35 USC 102(b) by U.S. Patent No. 3,719,021 to Rosenberg (hereinafter the "Rosenberg patent"). In response, Applicants have amended independent claims 1 and 9 to clearly define the present invention over the prior art of record.

In particular, independent claims 1 and 9 have been amended to recite that the dispensing means (seasoning dispersion apparatus) is configured to disperse the seasoning so as to adhere to the intermediate articles and form the seasoned articles prior to the seasoned articles entering the portion of the tubular shaped packaging material that will form the next packaged bag.

Applicants direct the examiner's attention to Figure 1 of the present application. Fig. 1 shows powdered seasoning being dispersed from the end part 22b of the seasoning dispersion apparatus 20, and adhered to intermediate articles X. As is clear from Fig. 1, this seasoning process occurs within the tubular shaped packaging material, but prior to the

seasoned articles X entering into the portion of the tubular shaped packaging material that will form the next packaged bag.

The Engesser, Davis, and Rosenberg patents disclose systems in which the dispensing means is configured to disperse one material into another material. However, these systems are configured so that both materials are mixed together after they enter the portion of the tubular shaped packaging material that will form the next packaged bag. Applicants respectfully assert this structure is **not** disclosed or suggested by the Engesser patent, the Davis patent, the Rosenberg patent, or any other prior art of record.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicants respectfully submit that independent claims 1 and 9, as now amended, are not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicants believe that the dependent claims 2-8 and 10-16 are also allowable over the prior art of record in that they depend from independent claims 1 and 9, respectively, and therefore are allowable for the reasons stated above. Also, the dependent claims 2-8 and 10-16 are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate independent claims 10-16, neither does the prior art anticipate the dependent claims.

Applicants respectfully request withdrawal of these rejections.

Rejections - 35 U.S.C. § 103

Claims 2, 6-8, 10 and 14-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Engesser or Davis patents in view of the Rosenberg patent. In addition, claims 4 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Engesser or Davis patents in view of U.S. Patent No. 3,912,535 to Rauser (hereinafter the

"Rauser" patent). Furthermore, claims 3, 5, 11 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Engesser or Davis patents in view of the Rosenberg patent.

However, as noted above, Applicants believe that the dependent claims 2-8 and 10-16 are allowable over the prior art of record in that they depend from independent claims 1 and 9, respectively, and therefore are allowable for the reasons stated above.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments and amendments.

Other claim amendments

Claims 5, 7-8, 15 and 16 were amended in order to further clarify the invention recited therein. These amendments were not made for reasons related to patentability. Support for the amendments to claims 7 and 15 can be found on page 11, lines 12-16 of the present application, and support for the amendments to claims 8 and 16 can be found on page 16, lines 5-6.

Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicants believe that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicants respectfully assert that the currently pending claims are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

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